

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROGER L. JOHNSON

Plaintiff,

Case No. 04-60274
Hon. Marianne O. Battani

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND AWARDING ATTORNEY'S FEES AND COSTS**

Plaintiff Roger Johnson filed an application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 et seq. The application was referred to Magistrate Judge Wallace Capel, Jr., pursuant to 28 U.S.C. § 636(b)(1)(B). In a Report and Recommendation ("R&R") dated September 27, 2006, Magistrate Judge Capel recommended that Plaintiff be awarded attorney's fees and costs in the amount of \$4,637.50. The Magistrate Judge further informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation and **AWARDS** attorney's fees and costs in the amount of \$4,637.50.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: October 24, 2006

CERTIFICATE OF SERVICE

A copy of this Order was e-filed and/or mailed to Eva I. Guerra and James A. Brunson this date.

s/Bernadette M. Thebolt
Deputy Clerk